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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/644,587	08/23/2000	Eric Schneider		2465

24226 7590 01/04/2005  
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EXAMINER	
BRUCKART, BENJAMIN R	
ART UNIT	PAPER NUMBER
2155	

DATE MAILED: 01/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/644,587	<b>Applicant(s)</b> SCHNEIDER, ERIC	
	<b>Examiner</b> Benjamin R Bruckart	<b>Art Unit</b> 2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 34-53 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 34-53 is/are rejected:
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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### **Detailed Action**

#### **Status of Claims:**

Claims 34-53 are pending in this Office Action.

Claims 34-53 are rejected under nonstatutory double patenting over claims 1-20 of U.S.

Patent No. 6,338,082.

### **Response to Arguments**

Applicant's arguments with respect to claims 34-53 have been considered but are moot in view of the new ground(s) of rejection.

### ***Specification***

The disclosure is objected to because of the following informalities:

On pages 1-3, under the title "Other Applications," the patent applicant should ONLY claim priority of the provision application 60/153,594 filed 9/13/1999 and 60/152,015. All other data may be mentioned and incorporated by reference as co-pending or prior art.

It is improper to claim priority from cases unrelated in the oath and declaration and not in the logical chain of applications.

Appropriate correction is required.

### ***Double Patenting***

- a. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the

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unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 34-53 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-20 of U.S. Patent No. 6,338,082. Although the conflicting claims are not identical, they are not patentably distinct from each other because the patented case broadly claims the same subject matter illustrated below.

Claimed limitation	Patented limitation	Explanation
34, 47, 48. A method for a user retrieving a web page from a network	1, 19, 20. A method for locating a network resource from an identifier having a valid domain name	Methods and computer program product. A web page is a network resource
34, 47, 48. Determining that the web page can be accessed from the network with a resource location request including a URI having one or more components	1, 19, 20. Determining whether the valid domain name is resolvable	If it is resolvable it is accessible. A URI can be a domain name
34, 47, 48. Generating one or more domain names from at least one of a one or more URI components and at least a portion of the web page	1, 19, 20. Resolving the identifier in response to determining that the valid domain name is resolvable	Valid domain name is a URI and generating one or more domain names is resolving the identifier to a web page
34, 47, 48. Providing the user with a web page from the network and providing the	1, 19, 20. Processing a registration request in response to determining that	To determine if a web page is available for registration, a registration request may be

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user with an ability to determine whether at least one domain name of said one or more domain names is available for registration	the valid domain name is not resolvable  8. determining whether the domain name is available for registration	used and claim 8 points to if it is available or not.
44 wherein said at least one domain name is generated from at least one keyword extracted from said at least one of a one or more URI components and at least a portion of the web page	16, 17, process a search request from an identifier	The identifier is the URI which can include a domain name
45 generating one or more keywords and search terms used to assist the user with performing an internet search engine request corresponding to at least one of a one or more domain names, one or more URI components, and at least a portion of a webpage	16, 17, process a search request from an identifier	The identifier is the URI which can include a domain name
46 providing the user an ability to request an internet search engine request from said one of a one or more keywords and search terms	18. Constructing a search from identifier determined to allow a search, processing the search and presenting results	The search is conducted from the identifier

**REMARKS****The Applicant Argues:**

Applicant has argued in the past and currently argues the combination with U.S. Patent No. 6,560,634 by Broadhurst as being previously overcome in another patent.

**In response**, the examiner respectfully submits:

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The Examiner has examined other related applications by the same inventor and finds the Patented case 6,338,082 with broader limitations claiming the same subject matter as declared novel in the instant case thereby necessitating a non-statutory obvious double patenting rejection.

#### **Prior Art**

Prior art publication US 2002/0156800 by Ong teaches the generating and parsing data from a URL.

Prior art patent U.S. Patent No. 5,999,912 issued to Wodarz teaches the online advertisement selection that use parameters of the URL.

#### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin R Bruckart whose telephone number is (571) 272-3982. The examiner can normally be reached on 8:00-5:30PM with every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on (571) 272-3978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Benjamin R Bruckart  
Examiner  
Art Unit 2155

brb   
December 15, 2004

  
**HOSAIN ALAM**  
**SUPERVISORY PATENT EXAMINER**